

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANDRE DOUGLAS,	:	CIVIL ACTION
Petitioner	:	
	:	
VS.	:	
	:	
GILBERT A. WALTERS,	:	
AND	:	
THE DISTRICT ATTORNEY OF	:	
THE COUNTY OF PHILADELPHIA,	:	
AND	:	
THE ATTORNEY GENERAL OF	:	
THE STATE OF PENNSYLVANIA,	:	
Respondents	:	NO. 02-2862

ORDER

AND NOW, to wit, this                      day of                      , 2003, upon consideration of the pleadings and record herein, and after review of the Report and Recommendation of United States Magistrate Judge Charles B. Smith, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petitioner is GRANTED an Evidentiary Hearing on the issues of: (1) appellate counsel ineffectiveness for failing to preserve the issue of trial counsel ineffectiveness for failure to properly advise petitioner regarding his possible sentence and plea agreement; and (2) appellate counsel ineffectiveness for failing to preserve the issue of trial counsel ineffectiveness for not presenting Bryant Anderson as a witness.
3. The remaining claims alleged in the Petition for Writ of Habeas Corpus are DENIED AND DISMISSED.
4. The matter is REFERRED to Magistrate Judge Smith for purposes of conducting an evidentiary hearing and the filing of a Report and Recommendation thereafter.

It is so ORDERED.

BY THE COURT:

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NORMA L. SHAPIRO    J.